UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FILED

NOV 06 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

NASSER HAMEDANI, an individual doing business as GLOBAL VISION UNLIMITED Plaintiff, v. BAYER CORPORATION, and Indiana corporation, BAYER HEALTHCARE LLC, a Delaware Limited Liability Company, Defendants.	CASE NO. C-05-02781 MJJ STIPULATION AND [~~PROPOSED~~] ORDER FOR SUBSTITUTION OF MEDIATOR

WHEREAS, the parties agreed to participate in Court-sponsored Mediation pursuant to Northern District of California ADR Local Rule 6 and stipulated thereto;

WHEREAS the Court ordered the parties to Mediation pursuant to the stipulation;

WHEREAS the Court assigned Daniel J. Bergeson, Esq. of Bergeson, LLP to serve as Mediator in this case;

WHEREAS due to unexpected illness Mr. Bergeson is unavailable to serve as Mediator on the day appointed for mediation, November 2, 2006; and

WHEREAS Donald P. Gagliardi, Esq. of Bergeson, LLP is available and has agreed to act as Mediator but is not a member of this Court's panel of approved Mediators;

The parties hereby STIPULATE, and request an order from the Court, as follows:

CASE NO. C-05-02781 MJJ

STIPULATION AND [PROPOSED] ORDER FOR SUBSTITUTION OF MEDIATOR

1

1   1.   This action is removed from the Court-sponsored mediation program;

2   2.   Donald P. Gagliardi, Esq. is substituted for Daniel J. Bergeson, Esq., to act

3   as the privately selected Mediator herein on November 2, 2006 and to be compensated in

4   accordance with Northern District of California ADR Local Rule 6-3(b).

5   SO STIPULATED.

6

7   Dated: November 2, 2006   MCNICHOLS RANDICK O'DEA &
                                        TOOLIATOS LLP
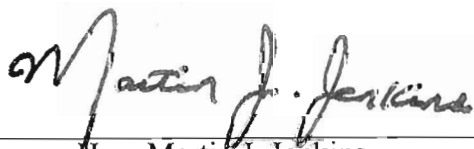
8

9   By:_____
                                            Patrick Guevara

10

11   Attorneys for Plaintiff

12

13   Dated: November 2, 2006   PATTISHALL, MCAULIFFE,
                                          NEWBURY, HILLIARD & GERALDSON

14   LLP

15

16   By:_____
                                          Danielle B. Lemack

17   Attorneys for Defendants

18

19

20   SO ORDERED.

21

22   Dated: November 6, 2006
                                      _____

23   Hon. Martin J. Jenkins
                                      UNITED STATES DISTRICT JUDGE

24

25

26

27   CASE NO. C-05-02781 MJJ   STIPULATION AND [PROPOSED] ORDER FOR
                                            SUBSTITUTION OF MEDIATOR

28   2